

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders.**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) G/SO 214 (107-9)  
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1 February 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 15/18, 16/4, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the detention of Mr. **Le Anh Hung**, a prominent blogger denouncing corruption issues among Communist Party and government officials; and writing in support of freedom of expression, good governance and democratic reforms. He had also participated in the anti-China demonstrations in Hanoi.

According to the information received:

At 10:15 a.m. on 24 January 2013, six security agents appeared at the workplace of Mr. Le Anh Hung in Hung Yen and informed his boss that they needed to see him on issues concerning temporary residence papers. He was subsequently forced into a car and taken to an unknown location. His friends later found out that he had been interned in Social Support Centre No. 2 in Ung Hoa, Hanoi, a mental health institution. The director of the mental health institution prevented Mr. Le Anh Hung's friends from visiting him and stipulated that he is being interned there upon request from his mother, which she has subsequently denied.

It is reported that Mr. Le Anh Hung may be detained in Support Centre No. 2 under Ordinance 44 of 2002 on Handling of Administrative Violations, which allows for the detention of individuals without trial for up to two years under house arrest ('probationary detention'); in 'reformatories'; educational institutions; rehabilitation centres or 'medical treatment establishments', including

psychiatric wards. The provisions of the Ordinance relate to those who 'commit acts of violating legislation on security, public order and safety, but not to the extent of penal liability' (Art 1.3 of Ordinance 44).

Concern is expressed at the detention without due process of Mr. Le Anh Hung which may be solely related to his peaceful activities promoting human rights, good governance and democratic reforms. Further serious concerns are expressed regarding the physical and psychological integrity of Mr. Le Anh Hung.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Le Anh Hung is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR), and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Without in any way implying any determination on the facts of the case, we would like to refer Your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study,

discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Le Anh Hung in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by Mr. Le Anh Hung or on his behalf?
3. Please provide information on the current whereabouts of Mr. Le Anh Hung.
4. Please provide information concerning the legal grounds for the detention of Mr. Le Anh Hung and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
5. Please provide information concerning the national legislation related to freedom of opinion and expression, including freedom of the press, its conformity with article 19 of the International Covenant on Civil and Political Rights and with other relevant provisions included in international treaties.
6. Please provide the details of any investigation or prosecution against Mr. Le Anh Hung, and how it is compatible with the international norms and standards of the right to freedom of opinion and expression and the related right to peaceful assembly and association.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Le Anh Hung are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders